INITIAL STUDY

City of Sunnyvale

Department of Community Development

Planning Division

P.O.Box 3707

Sunnyvale, CA 94088-3707

Project #: 2004-0576

Project Address: 2502 Town Center Lane

Applicant: Fourth Quarter Properties XL VIII, LLC

1. Project Title: <u>Town Center Mall Redevelopment Special</u>

Development Permit

2. Lead Agency Name and Address: City of Sunnyvale, Community Development

Department, Planning Division

3. Contact Person and Phone Kelly Diekmann (408) 730-7440

Number:

4. Project Location: <u>Block 18 of the Downtown Specific Plan, (Existing</u>

Town Center Mall site, APN: 209-34-009, 209-34-010, 209-34-016, 209-34-018, 209-35-001, 209-35-010, 209-35-011, 209-35-012

and 209-35-017

5. Project Sponsor's Name and

Address:

Fourth Quarter Properties XLVIII, LLC

Contact: Forum Development Group, LLC

Ron Pfhol

300 Village Green Circle, Suite 201

Smyrna, Georgia 30080

6. General Plan Designation: DSP-18 Mixed-Use (including, office, commercial, and

residential)

7. Zoning: DSP-18

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8. Description of the Project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. (Attach additional sheets if necessary)

This project is located in Block 18 of the City of Sunnyvale Downtown Specific Plan area and consists of an application for a Special Development Permit to redevelop the existing Town Center Mall. In addition, the City of Sunnyvale Redevelopment Agency will consider financial participation and land transactions as part of an Owner Participation Disposition and Development Agreement between the Agency and developer that will incorporate the project description for the Special Development Permit, as approved, for this project.

The proposed project would include demolition of an existing mall structure and associated parking structures and other small business buildings; two existing department stores would remain on the site. The project also includes the construction and improvements that would result in the reconnection of the former street grid with the extension of McKinley Avenue from Mathilda Avenue to Sunnyvale Avenue, a realignment of Town Center Lane for a direct connection to Taaffe Avenue to the north, an extension of Murphy Avenue from Washington Avenue to McKinley Avenue and through to Iowa Avenue; the construction of approximately 275,000 square feet of general office space; 670,000 square feet of commercial space (including uses such as indoor and outdoor uses; retail and services uses, restaurants, entertainment uses (including a 16-screen cinema)) for a total of approximately 1,000,000 square feet of commercial space including the remaining Macy's and Target store buildings; and 292 attached residential units consisting of locations primarily above retail with some stand-alone townhomes along lowa Avenue. Buildout would result in a net increase of 292 housing units, approximately 284,000 square feet of commercial, and approximately 253,000 square feet of office space above existing conditions, within the maximum development intensities permitted by the Genera Plan and Downtown Specific Plan. The project includes the preservation of 6 historic resource redwood trees. Abutting streets shall require improvements per standards of the Downtown Specific Plan and Downtown Standard Streetscape design features. No other off-site improvements are included as part of the SDP.

It is foreseeable that the applicant will file a tentative map for the subdivision of real property and air space in the near future to create ownership-housing units and separate commercial and office parcels for development and financing.

9. Surrounding Land Uses and North: Town and Country (retail, service), 100 Block Setting: (Briefly describe the North Murphy Avenue (retail/entertainment, service);

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project's surroundings)

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Mozart mid-rise Office Buildings

South: Primarily: Residential east of Taaffe,

commercial/low rise office west of Taaffe

East: Mixture of small business and single family

residential

West: Commercial low-rise office, retail

Surrounding Zoning and Uses are reflective of an area

that is part of a downtown development pattern.

 Other public agencies whose approval is required (e.g. permits, financing approval, or participation agreement). City of Sunnyvale Redevelopment Agency

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

Aesthetics Hazards & Hazardous Public Services

Materials

Agricultural Resources Hydrology/Water Quality Recreation

Air Quality Land Use/Planning Transportation/Traffic
Biological Resources Mineral Resources Utilities/Service Systems

Cultural Resources Noise Mandatory Findings of

Significance

Geology/Soils Population/Housing

DETERMINATION:

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.



I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potential significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature	Date
Kelly Diekmann, Associate Planner	City of Sunnyvale
Printed Name	For (Lead Agency)

EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis). Due to the tiering of this Mitigated Negative Declaration from a certified Program EIR, no impact shall also categorize impacts that were previously adequately analyzed in the EIR.
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, "Earlier Analysis," may be cross-referenced).
- Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (d). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. **Impacts Adequately Addressed**. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The analysis of each issue should identify: (a) the significance criteria or threshold used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance.

Previous Environmental Actions related to the project:

Downtown Improvement Program EIR (SCH#: 1988110816), Certified June 17, 2003

Addendum prepared July 13, 2004

The documents are available for review at 456 West Olive Avenue at the One Stop in City of Sunnyvale City Hall and online at www.sunnyvaleplanning.com.

The City of Sunnyvale has been engaged for a number of years in a Downtown Improvement Program with the goal of revitalizing the City's original central area. On June 17, 2003, the City Council adopted amendments to its General Plan as part of an effort to update the Downtown Improvement Program. The amendments to the General Plan designated specific land uses, densities and heights for the project area. Building upon those amendments, the City subsequently amended its Downtown Specific Plan and zoning code to set further guidelines and standards for downtown development on October 14, 2003. The environmental effects of these actions were analyzed in a program environmental impact report ("the Program EIR") for the Sunnyvale Downtown Improvement Program Update, which was certified by the City Council on June 17, 2003 (Resolution No 123-03). An addendum to the EIR was prepared in conjunction with a recent General Plan Amendment for Block 18 to utilize unallocated development potential for an increase of development potential by an 92 housing units (total 292) and 80,000 square feet of office space (282,000 total) with the commercial maximum intact at a total of 1,007,876 square feet.

The Program EIR addressed the following areas of concern for the buildout of the DSP, including Block 18:

Aesthetics Hydrology/Water Transportation/Traffic

Quality

Air Quality Land Use/Planning Utilities/Service Systems

Biological Resources Noise Mandatory Findings of

Significance

Cultural Resources Population/Housing
Geology/Soils Public Services
Hazards & Hazardous Materials Recreation

All impacts were determined to be less than significant, with the exception of potentially significant impacts to regional transportation system and air quality transportation emissions. Appropriate findings and statements of overriding consideration were adopted by the City Council as part of the certification of the EIR and approval of the project. In relation to the proposed project the cumulative effects of buildout and general project level development impacts are adequately addressed in the

EIR and specific mitigations for future projects are included in the Mitigation Monitoring Program (applicable listed below). As a subsequent project within the parameters of the program EIR, peculiar impacts to the proposed project shall be reviewed as part of this initial study. Site specific and project specific impacts that were not addressed or able to be addressed at an appropriate level of detail in the EIR include the proposed on-site circulation pattern, land use pattern, public utility capacity, aesthetics, and preservation of historic resources (6 redwood trees).

The following specific impacts have identified mitigation measures that are relevant to the proposed project and are to be included as conditions of approval as required by the EIR Mitigation Monitoring Program:

Aesthetics 5-1

Light/Glare 5-2

Transportation 7-4

Noise 9-1; 9-2

Air quality 10-1; 10-2

Water Quality Runoff 11-1

Geology and Soils 12-1

Cultural Resources 15-1; 15-2

Issu	ues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporate d	Less Than Significant Impact	No Impact	Source
I.	AESTHETICS. Would the project:					
a.	Have a substantial adverse effect on a scenic vista?				X	44, 52, 112
b.	Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				X	44, 52, 112
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?			X		44, 52, 112
d.	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X	44, 52, 111,112

Issu	ies and Supporting Information	Potentially Significant Impact	Significant With Mitigation Incorporate d	Less Than Significant Impact	No Impact	Source
II.	AIR QUALITY: Where available, the significance management or air pollution control district may be relied the project:		•	* *		
a.	Conflict with or obstruct implementation of the applicable air quality plan?				X	44, 52, 111
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation.				X	44, 52, 111
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X	44, 52, 111
d.	Expose sensitive receptors to substantial pollutant concentrations?				X	44, 52, 111
e.	Create objectionable odors affecting a substantial number of people?				X	44, 52, 111
III.	BIOLOGICAL RESOURCES:					
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?				X	52, 111, 112

Issu	ies and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation	Less Than Significant Impact	No Impact	Source
			Incorporate d			
b.	Have a substantially adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S Wildlife Service?				X	52, 111, 112
C.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X	52, 111, 112
d.	Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X	52, 111, 112
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X	52,111, 112; see cultural resource a
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan?				X	52,111, 112
IV. a.	CULTURAL RESOURCES . Would the project: Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?		X		.	52,111, 112
b.	Cause a substantial adverse change in the significance of an archaeological resources pursuant to Section 15064.5?			X		52,111, 112
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X	52

ISSU	ies and Supporting Information	Significant Impact	Significant With Mitigation Incorporate d	Significant Impact	Impact	Source	
d.	Disturb any human remains, including those interred outside of formal cemeteries?				X	52,111,	
٧.	LAND USE AND PLANNING. Would the project:						
a.	Physically divide an established community?				X	2, 44, 52,111, 112	
b.	Conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X	2, 44, 111, 112	
c.	Conflict with any applicable habitat conservation plan or natural communities conservation plan?				X	2, 44,52, 111	
VI. a.	MINERAL RESOURCES. Would the project: Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X	2, 94	
b.	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X	2, 94	
VII. a.	NOISE. Would the project result in: Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X	52,111, 112	
b.	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X	52,111, 112	

ISSI	ues and Supporting Information	Significant Impact	Less than Significant With Mitigation Incorporate d	Less Than Significant Impact	Impact	Source
c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X	52,111, 112
d.	A substantially temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X	52,111, 112
X 7 X X	PODVI ATION AND WOUGHIG WE ILLE					
a.	I.POPULATION AND HOUSING. Would the project: Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X	52,111, 112
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	44, 111, 112
IX.	PUBLIC SERVICES . Would the project result in substitute provision of new or physically altered government government facilities, the construction of which could cau maintain acceptable service ratios, response times or other services:	facilities, se significa	need for ne nt environm	ew or phy ental impa	sically cts, in c	altered order to
a) 1	Parks?				X	2, 44, 52,111, 112
b)]	Fire protection?				X	52, <u>UFC/U</u> <u>BC/SV</u> <u>MC</u>
c)	Schools?				X	52,111, 112
d)	Other public facilities?				X	52,111, 112,

	ues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporate d	Less Than Significant Impact	No Impact	Source 2,
е) н	Police protection?				X	52,111, 112
X.	MANDATORY FINDINGS OF SIGNIFICANCE Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California				X	2, 10, 26, 42, 52, 59, 60, 61, 111,
b.	history or prehistory? Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects)?				X	1, 2, 44, 52, 111,112
c.	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X	52, 111, 112

Building & Safety Division Checklist (1 of 1)

XI. GEOLOGY AND SOILS. Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:

Iss	sues a	nd Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporate d	Less Than Significant Impact	No Impact	Source
	(i)	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X	52, UBC, UPC, UMC, NEC
	(ii)	Strong seismic ground shaking?				X	52. <u>UBC.</u> <u>UPC.</u> <u>UMC.</u> <u>NEC</u>
	(iii)	Seismic-related ground failure, including liquefaction?				X	"
	(iv)	Landslides?				X	"
b)	Resu	alt in substantial soil erosion or the loss of topsoil?				X	"
c)	woul poter	ocated on a geologic unit or soil that is unstable, or that id become unstable as a result of the project, and ntially result in on- or off-site landslide, lateral ading, subsidence, liquefaction or collapse?				X	"
d)	the U	ocated on expansive soil, as defined in Table 18-a-B of Uniform Building Code (1994), creating substantial to life or property?				X	"
e)	septi	e soils incapable of adequately supporting the use of c tanks or alternative waste water disposal systems re sewers are not available for the disposal of waste r?		٦		X	"

XII. UTILITIES AND SERVICE SYSTEMS. Would the project:

Issu	ues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporate d	Less Than Significant Impact	No Impact	Source
a)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?		u u		X	2, 20, 24, 25, 27, 87, 88, 89, 111, 112,
b)	Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X	2, 20, 24, 25, 87, 88, 89, 111, 112
c)	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X	2, 20, 24, 25, 87, 88, 89, 111, 112,27
d)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X		2, 20, 24, 25, 52, 87, 88, 89, 111, 112, 114
e)	Result in a determination by the wastewater treatment provider that services or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X		2, 20, 24, 25, 52, 87, 88, 89, 90, 111, 112,114
f)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X	2, 22, 52,90, 111, 112
g)	Comply with federal, state, and local statues and regulations related to solid waste?				X	2, 22, 52,90, 111, 112

XIII. TRANSPORTATION/TRAFFIC. Would the project:

Issu	ies and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporate d	Less Than Significant Impact	No Impact	Source
a)	Cause an increase in the traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?		X			12, 44, 52, 110, 111, 112
b)	Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X	12,52, 110, 111, 112,
c)	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X	44, 52, 111,112
d)	Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?			X		44, 52, 86, 110, 111, 112,
e)	Result in inadequate emergency access?				X	44,52, 110, 111, 112,113
f)	Result in inadequate parking capacity?			X		30, 44, 52, 110, 111, 112, 113,115
g)	Conflict with adopted policies or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				Х	44, 110 111, 112, 113
XIV	. HAZARDS AND HAZARDOUS MATERIALS. W	ould the pr	roject?			
a)	Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?				X	UFC/UB C/SVMC

Issu	ies and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporate	Less Than Significant Impact	No Impact	Source
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?				X	UFC/UB C/SVMC
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an exiting or proposed school?				X	UFC/UB C/SVMC
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment?				X	UFC/UB C/SVMC
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X	UFC/UB C/SVMC
f)	Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	UFC/UB C/SVMC
g)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X	UFC/UB C/SVMC
XV. a)	RECREATION Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	٦			X	2, 18,52 111, 112

lcc	use and Supporting Information	Potentially	Less than	Less Than	No	Source
155	ues and Supporting Information	Significant Impact	Significant With	Significant Impact	Impact	
			Mitigation	,		
			Incorporate d			
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X	2, 18, 52, 111, 112
XIX	significant environmental effects, lead agencies may refer and Site Assessment Model (1997) prepared by the optional model to use in assessing impacts on agriculture	er to the Ca California	lifornia Agri Department	cultural La of Conse	nd Eva	luation
a)	Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use?				X	94
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	94
c)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X	94
HY	DROLOGY AND WATER QUALITY. Would the project:					
a)	Violate any water quality standards or waste discharge requirements?				X	2, 24, 25, 111, 112
	Substantially degrade groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X	2, 24, 25, 27, 52, 111, 112
	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X	27,44, 52, 111, 112

Iss	sues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporate d	Less Than Significant Impact	No Impact	Source
d)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or surface runoff in a manner which would result in flooding on- or off site?				X	27,44, 52, 111, 112
e)	Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X	27,44, 52, 111, 112
f)	Otherwise substantially degrade water quality?				X	2, 24, 25, 52, 111, 112
g)	Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X	2, 12, 19, 24, 111, 112
h)	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X	2, 19, 24, 111, 112
i)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X	2, 19, 24, 25, 111, 112
j)	Inundation by seiche, tsunami, or mudflow?				X	2, 19, 24, 25, 111, 112

DISCUSSION OF IMPACTS THAT ARE LESS THAN SIGNFICANT or NO IMPACT

I AESTHETICS

(c) The project will not degrade the visual character of the enclosed mall site or the quality of the site and its surroundings. Substantial architectural improvements are proposed to both the site's architecture, landscaping, and streetscape as part of the redevelopment, as a result, this impact will be less than significant. The proposed height and building locations conform to the DSP requirements. The City's implementation of the Downtown Specific Plan's Design Guidelines and Development Standards through the project review at a public hearing by the City Council and staff's review of final development plans, which will be submitted for final Building Permit review, will ensure that the final design of the project is consistent with an approved project.

(d *No Impact*) The EIR Mitigation Monitoring Program requires appropriate levels of lighting of exterior features above 50 feet in height be addressed during project review. Glass treatments and other architectural means will address issues of daytime glare. Conformance with these standards, DSP guidelines, and Conditions of approval of the project will incorporate these requirements and ensure less than a significant impact.

IV CULTURAL RESOURCES

(c and d)

Staff has no evidence of archaeological resources being located on-site within the proposed area of construction. The site is currently developed with buildings, surface parking, and parking structures which replaced previous buildings and land uses that dated back to the incorporation of the City of Sunnyvale. Parking Deck "D" (located at the corner of Sunnyvale Avenue and Iowa Avenue) was constructed in 2001 and during its excavation and construction Native American remains were uncovered. Parking Deck "D" is not identified for demolition and the project will not disturb areas beneath the structure and its existing first level.

Although there is no identified resources in the project area, noting the adjacent discovery of remains, the project scope does include excavation of the site for the construction of subterranean parking structures and there may be the potential that the project may uncover yet undiscovered archaeological resources. As identified in the EIR and as standard Condition of Approval for project involving major excavation, staff has included specific project requirements related to the potential discovery of any archeological resources and what procedures need to be followed. Based on this analysis, potential procedures for mitigation in the EIR, and the standard Conditions of Approval noted, staff has determined that the project would have a less than significant impact

V LAND USE AND PLANNING

(b No Impact) The Downtown Specific Plan articulates a design concept for an "Enhanced, Traditional Downtown" that includes allowing for various uses, districts, connections, gateways, historical resources, and open spaces. The proposed project is in conformance with the mixed-use designation of Downtown Specific Plan Block 18. These uses conform to the maximum intensity levels permitted in the General Plan.

The project does not include a plaza at the intersection of Murphy Avenue and Washington Avenue as discussed in the plan. The "Murphy Plaza" is described as an opportunity to strengthen the commercial core in support of business and merchants, not to address environmental concerns such as availability of recreation area for downtown residents. Therefore, the absence of the plaza from the project has no environmental impact and is purely an urban design issue. Absence of the plaza from the design has no impact on the environment.

VII NOISE

(a *No Impact*) As previously identified in the EIR the project potentially exposes the general public, employees, and residents to noise levels that exceed the Noise Elements thresholds. The EIR Mitigation Monitoring Program requires that noise analysis studies be completed that are in conformance with Title 24 requirements prior to the issuance of building permits.

VII NOISE Continued

- (c No Impact) The project will introduce additional sources of noise to the project area both during construction and as an operational aspect of a mixed-use residential commercial project. The new use of the property is anticipated to be more intensive than the existing exclusive commercial mall. Through the City's implementation of the Citywide Design Guidelines and Municipal Code noise regulations, this impact will be lessened to a less than significant level both during construction and post-construction operation.
- (d *No Impact*) The project may introduce short-term and temporary additional sources of noise to the project area during construction. Through the City's implementation the EIR Mitigation Monitoring program and construction hours and operations Municipal Code noise regulations, this impact will be lessened to a less than significant level during construction.

IX PUBLIC SERVICES (No Impacts)

The EIR addresses adequacy or public facilities and impacts on such facilities and determined no significant impacts are anticipated. Of particular note, park dedication fees and school impact fees will be collected at the time of development.

XII UTILITIES AND SERVICE SYSTEMS

(e *No impact*) The sanitary sewer capacity of the system directly serving the site was reviewed by a separate service study for the Downtown Specific Plan area in September 2003. The conclusions of the study from its modeling techniques is that at buildout of the DSP the sanitary sewer systems in Mathilda and Washington Avenue would utilize up to 85-88% of capacity. Current usage levels were indicated to be approximately 69% and 37% respectively. As noted in the study flow monitoring should occur along with new development as capacity reaches 70-75 percent utilization. Proper diversion of sanitary sewer volumes to each system will ensure adequate capacity and flow monitoring may be necessitated for future development in the DSP. No significant impact is associated with the proposed project.

(d *No impact*) Also part of the study was a note that upon completion of final design plans analysis of water pressure for purpose of fire emergency flow rates should be monitored. If the pressure falls below minimum requirements pumps or equivalent measure shall be incorporated as a standard code required upgrade to ensure adequate water pressure for fire emergency usage.

XIII TRANSPORTATION AND TRAFFIC

The previously Certified EIR analyzes the impacts of buildout of the DSP on Sunnyvale's transportation system and regional roadways. Mitigation measures required for cumulative traffic mitigation require application of the Citywide Traffic Impact fee to the project as part of the Transportation Strategic Program. The determination of significance for regional roadways and congestion were that complete mitigation was infeasible and as such impacts were significant and unavoidable. The City of Sunnyvale adopted findings and statements of overriding consideration at the time of certification of the EIR and approval of the project.

In regards to the proposed project's circulation pattern, a study was performed by Fehr & Peers Transportation Consultants (F&P) to determine the adequacy of design for the project's circulation and its affect on the public system. The proposed project reestablishes the street grid to the extent feasible while maintaining the existing major department stores. Reestablishment of the street grid is a primary goal of the Downtown Specific Plan. The EIR did not contemplate a completely reestablished street grid as part of the redevelopment of Block 18, considering the complete demolition of the mall unlikely. Although a reconstituted street grid was not analyzed in the EIR, the primary access points of the proposed project are consistent with those of the EIR They include primary entrances at the intersection of McKinley Avenue and Mathilda Avenue, McKinley Avenue and Sunnyvale Avenue, Washington Avenue and Town Center Lane, Washington Avenue and Murphy Avenue, and the driveway points on Iowa Avenue. the project specific circulation pattern is consistent in terms of both its general locations and number of access points foreseen for Block 18's redevelopment and the buildout of the Downtown Specific Plan. The general traffic patterns and intersections analyzed within the EIR are consistent with and adequate for the proposed project. Murphy Avenue/Washington Avenue intersection exception is discussed in the Significant if not Mitigated Section of this document.

- (a) As part of the project roadway improvements are required per the Downtown Specific Plan to provide bike lanes, sidewalks, traffic signals, and traffic lane modifications as needed. Neighborhood residential streets to the south and east of site are recommended to include neighborhood gateway features and traffic calming. The F&P analysis did not conclude there to be significant impact to the operation of these neighborhood streets so as to mandate a mitigation measure. The F&P analysis and City of Sunnyvale Transportation Division have provided project refinements and conditions of approval for the project to ensure adequate traffic flow with a less than significant impact. As part of the Mitigation Monitoring Program a proportionate contribution to the improvement of De Anza Boulevard and Homestead Road intersection in Cupertino shall be required for feasible mitigation as a condition of approval of the project.
- (d) Two design features of the on-site circulation that are atypical for Sunnyvale include a roundabout and angled parking on McKinley Avenue. Per standard design requirements and analysis of the project conditions by F&P, the implementation of these features will result in a less than significant impact on safety.

(f) The existing conditions of the Town Center Mall include an abundance of parking in the form of structures and a surface lot east of Macy's. The current parking supply is estimated at 3,680 parking spaces with a demand of only 2,523 spaces, the parking supplied in Block 18 is in excess of the demand of the Town Center Mall and its potential tenants. Although Block 18 is within the Downtown Parking District, the parking located on the site is primarily designed and intended to serve the uses of Block 18. At this time the 2-level parking structure west of the mall is considered unstable and the upper level (approximate 1,100 spaces) is not allowed to be used. The entire structure is slated for demolition and may be replaced as surface parking only if the proposed project is not built.

The Downtown Specific Plan and Zoning Code (19.28) indicate that a shared parking analysis shall be performed for mixed-use projects to ensure both adequate parking and to minimize excessive vehicle parking downtown. Fehr and Peers (F&P) analyzed peak demand times for average weekday, design weekday, and design weekend. "Design" indicates the industry standard for a reasonable maximum demand as calculated for the 20th single busiest shopping day of the year. The single highest level of demand was design weekday. Following the F&P methodology at full buildout of the proposed plan, including an additional circulation factor of 5%, there is demand of 5,071 parking spaces to serve all uses excepting the exclusive access residential parking which is considered to be self parked.

The proposed project has supply of 5,032 parking spaces for general availability to all uses (e.g. commercial, office, cinema, guests) and 601 exclusive access residential parking spaces for owners and guests of the housing units for a total of 5,622 spaces on site. Adjacent on-street parking is not factored into available supply. The 5,032 general parking availability parking spaces thereby is slightly below projected demand for the design weekday benchmark of 5,071. During the non-holiday season additional excess spaces would be available for the average weekday due to an estimated 8-13% lower demand. Considering the project has adequate parking for the average demand period and the minimal calculated deficiency applies to a small segment of the day during short season of the year the project has less than significant impact on the environment. If desired by the City Council conditions of approval may be attached to the project that require provision of additional parking to satisfy the peak demand time period that is in accordance with the F&P methodology.

For cumulative parking impacts to the Downtown area an additional study was conducted by the City. The Walker study focused on the supply and demand for uses in the parking district other than Block 18, primarily the area known as "North of Washington." The conclusion of the Walker analysis was a peak <u>design weekend</u> demand for the whole of the area. Under existing conditions the surplus of parking on Block 18 augments the supply of spaces that serves the uses outside of Block 18, but while the proposed project has adequate parking for its uses in Block 18 it will not have a substantial oversupply as exists today in Block 18. The Walker analysis concludes that there may be shortage of parking spaces for areas outside of Block 18 during their calculated peak weekend holiday demand. Considering that no minimum parking requirement exists for the parking district and its associated uses and the deficiency exists for a short period of time on weekend evenings during the peak holiday shopping season the potential shortage of spaces is considered to be a less than significant impact on the environment. If additional parking downtown

is considered desirable by the City Council to serve uses outside of Block 18, opportunities for additional spaces may be considered either within Block 18 or on other parking district properties in the downtown.

Through the project review process changes to the project may be made that alter supply and demand (e.g. type of uses; % mix, etc.) or modify type or location of parking in Block 18. Conformance with parking requirements of the DSP for modifications, specifically the F&P shared parking analysis methodology for Block 18, as a condition of project approval will result in a less than significant impact to parking supply.

DISCUSSION OF IMPACTS THAT ARE SIGNICANT WITHOUT MITIGATION IV CULTURAL RESOURCES

(a) Currently six redwood trees (designated as Historic Resources by the City of Sunnyvale) and assorted landscaping features are located in the courtyard of the existing Town Center Mall. The courtyard is surrounded by the two-story enclosed mall structure and consists of a combination of impervious surfaces for walkways and seating areas with exposed landscaping and soil surrounding the trees themselves. Demolition of the Mall structure and rehabilitation of the courtyard area to a central commercial open space component of the proposed project may impact the health of the redwood trees. Although tree protection standards are part of the Zoning Code (Title 19), the special circumstances relating to the size of trees, proximity of structures, and surrounding grade differential require special protection measures. Specific tree protection mitigation measures are required as a condition of approval for both the process of demolition and construction of the project. Ongoing preservation of the trees is adequately addressed with standard conditions of approval for final staff review of the landscape and irrigation plan.

<u>What and where:</u> Protection of the 6 heritage resource redwood trees located in the current courtyard of the existing Town Center Mall during demolition of the existing mall and construction of the proposed project.

How:

- The courtyard area of both the demolition plan and construction plans shall indicate that the
 existing paved area shall remain and be fenced off at the perimeter of the courtyard, not just the
 drip line of the trees, until preparation and installation of the new hardscape and landscape
 improvements are to commence.
- 2. Irrigation shall be provided for the trees throughout the demolition and construction of the project, an automatic sprinkler system shall be incorporated as practical, including the provision of a temporary waterline for irrigation.
- 3. Review of the grading plan to ensure that root system is preserved during excavation and final site work.

When: Plans shall be submitted for review and approval that include the above measures and other conditions of approval regarding landscaping and grading included as condition of approval for the project prior to issuance of building permit. Fencing and Irrigation shall commence on the first day of activity on the site or sooner if feasible.

<u>Who:</u> The City will require this to be indicated on the building permit plans prior to issuance and will verify installation and performance during building permit inspections.

XIII Transportation Murphy Avenue/Washington Avenue Intersection

(a) Due to Murphy Avenue's realignment and extension as a street into the project that connects to McKinley Avenue the level of service for the currently unsignalized intersection of Murphy Avenue and Washington Avenue was analyzed by F&P. The conclusion of the analysis for safety and operations was that although signal warrants were not met per CalTrans standards, the modeling of future traffic conditions indicated a need for mitigation to ensure efficient operations of the street segments for vehicle cross movements and as a major pedestrian crossing.

In evaluating the site plan for the proposed mall redevelopment, CalTrans signal warrants were not met to require signalization. Alternatively, F&P modeled the project traffic level including the proposed project and buildout of the DSP due to City staff anticipation of traffic flow and pedestrian circulation issues at the future intersection of Washington Avenue and Murphy Street. The F&P traffic study documents anticipated inefficient traffic flow for the northbound movement. Staff also anticipates significant pedestrian travel demand along Murphy Avenue requiring consideration of a controlled access point. In order to address City policy regarding maintaining efficient traffic flow (LUTE C3.1.3, C3.1.4; DSP C), and to provide for anticipated pedestrian demand (LUTE C3.5.4; DSP C) mitigation is needed. This impact was not evaluated as part of the overall street improvements for the DSP or the citywide Transportation Strategic Plan as it is considered a local street intersection and the impact is attributed to the proposed project.

The F&P study addresses options for mitigation of the impact to ensure improved traffic flow and pedestrian circulation at the intersection. A traffic signal and left turn lane pocket is the preferred mitigation by the City of Sunnyvale Transportation Division to achieve the goal.

What and Where: Location #4 noted in the F&P study, the intersection of Murphy Avenue and Washington Avenue.

<u>How:</u> The developer shall improve the street section from Sunnyvale Avenue to Frances Street per the Downtown Street Specifications and Downtown Specific Plan requirement or conditions of approval of the project that shall include a traffic signal to control all directions of traffic at the intersection of Murphy Avenue and Washington Avenue. The signals shall permit left hand turn movements from Washington Avenue onto Murphy Avenue and allow for controlled pedestrian crossings.

<u>When:</u> The traffic signal shall be installed prior to building permit final. Operation aspects of the signal shall be determined by the Transportation Manager after installation.

<u>Who:</u> The City will require this to be indicated on the public improvement plans for the construction of the project prior to its issuance and will verify installation and maintain operation of the signal.

Completed By: Kelly Diekmann, Associate Planner Date: July 20, 2004

- 1. City of Sunnyvale General Plan:
- 2. Map
- 3. Air Quality Sub-Element
- 4. Community Design Sub-Element
- 5. Community Participation Sub-Element
- 6. Cultural Arts Sub-Element
- 7. Executive Summary
- 8. Fire Services Sub-Element
- 9. Fiscal Sub-Element
- 10. Heritage Preservation Sub-Element
- 11. Housing & Community Revitalization Sub-Element
- 12. Land Use & Transportation Sub-Element
- 13. Law Enforcement Sub-Element
- 14. Legislative Management Sub-Element
- 15. Library Sub-Element
- 16. Noise Sub-Element
- 17. Open Space Sub-Element.
- 18. Recreation Sub-Element
- 19. Safety & Seismic Safety Sub-Element
- 20. Sanitary Sewer System Sub-Element
- 21. Socio-Economic Sub-Element
- 22. Solid Waste Management Sub-Element
- 23. Support Services Sub-Element
- 24. Surface Run-off Sub-Element
- 25. Water Resources Sub-Element
- 26. City of Sunnyvale Municipal Code:
- 27. Chapter 12.60
- 28. Zoning Map
- 29. Chapter 19.42. Operating Standards
- 30. Chapter 19.28. Downtown Specific Plan District
- 31. Chapter 19.18. Residential Zoning Districts
- 32. Chapter 19.20. Commercial Zoning Districts

- 33. Chapter 19.22. Industrial Zoning Districts
- 34. Chapter 19.24. Office Zoning Districts
- Chapter 19.26. Combining Zoning Districts
- 36. Chapter 19.28. Downtown Specific Plan
- 37. Chapter 19.46. Off-Street Parking & Loading
- 38. Chapter 19.56. Solar Access
- 39. Chapter 19.66. Affordable Housing
- 40. Chapter 19.72. Conversion of Mobile Home Parks to Other Uses
- 41. Chapter 19.94. Tree Preservation
- 42. Chapter 19.96. Heritage Preservation

Specific Plans

- 43. El Camino Real Precise Plan
- 44. Downtown Specific Plan
- 45. Moffett Field Comprehensive Use Plan
- 46. 101 & Lawrence Site Specific Plan
- 47. Southern Pacific Corridor Plan

Environmental Impact Reports

- 48. Futures Study Environmental Impact Report
- 49. Lockheed Site Master Use Permit Environmental Impact Report
- 50. Tasman Corridor LRT Environmental Impact Study (supplemental)
- 51. Kaiser Permanente Medical Center Replacement Center Environmental Impact Report (City of Santa Clara)
- 52. Downtown Improvement Program Update Environmental Impact Report
- 53. AMP EIR
- 54. Southern Pacific Corridor Plan Environmental Impact Report

Maps

- 55. City of Sunnyvale Aerial Maps
- 56. Flood Insurance Rate Maps (FEMA)
- 57. Santa Clara County Assessors Parcel
- 58. Utility Maps (50 scale)

Lists/Inventories

- 59. Sunnyvale Cultural Resources Inventory List
- 60. Heritage Landmark Designation List
- 61. Santa Clara County Heritage Resource Inventory
- 62. Hazardous Waste & Substances Sites List (State of California)
- 63. List of Known Contaminants in Sunnyvale

Legislation/Acts/Bills/Codes

- 64. Subdivision Map Act
- 65. Uniform Fire Code, including amendments per SMC adoption
- 66. National Fire Code (National Fire Protection Association)
- 67. Title 19 California Administrative Code
- 68. California Assembly Bill 2185/2187 (Waters Bill)
- 69. California Assembly Bill 3777 (La Follette Bill)
- 70. Superfund Amendments & Reauthorization Act (SARA) Title III

Transportation

- 71. California Department of Transportation Highway Design Manual
- 72. California Department of Transportation Traffic Manual
- 73. California Department of Transportation

Standard Plan

- 74. California Department of Transportation Standard Specification
- 75. Institute of Transportation Engineers Trip Generation
- 76. Institute of Transportation Engineers
 Transportation and Traffic Engineering
 Handbook
- 77. U.S. Dept. of Transportation Federal Highway Admin. Manual on Uniform Traffic Control Devices for Street and Highways
- 78. California Vehicle Code
- 79. Traffic Engineering Theory & Practice by L. J. Pegnataro
- 80. Santa Clara County Congestion Management Program and Technical Guidelines
- 81. Santa Clara County Transportation Agency Short Range Transit Plan
- 82. Santa Clara County Transportation Plan
- 83. Traffic Volume Studies, City of Sunnyvale Public works Department of Traffic Engineering Division
- 84. Santa Clara County Sub-Regional Deficiency Plan
- 85. Bicycle Plan

Public Works

- 86. Standard Specifications and Details of the Department of Public Works
- 87. Storm Drain Master Plan
- 88. Sanitary Sewer Master Plan
- 89. Water Master Plan
- Solid Waste Management Plan of Santa Clara County
- 91. Geotechnical Investigation Reports
- 92. Engineering Division Project Files

93. Subdivision and Parcel Map Files

Miscellaneous

- 94. Field Inspection
- 95. Environmental Information Form
- 96. Annual Summary of Containment Excesses (BAAQMD)
- 97. Current Air Quality Data
- 98. Chemical Emergency Preparedness Program (EPA) Interim Document in 1985?)
- 99. Association of Bay Area Governments (ABAG) Population Projections
- 100. Bay Area Clean Air Plan
- 101. City-wide Design Guidelines
- 102. Industrial Design Guidelines

Building Safety

- 103. Uniform Building Code, Volume 1, (Including the California Building Code, Volume 1)
- 104. Uniform Building Code, Volume 2, (Including the California Building Code, Volume 2)
- 105. Uniform Plumbing Code, (Including the California Plumbing Code)
- 106. Uniform Mechanical Code, (Including the California Mechanical Code)
- 107. National Electrical Code (Including California Electrical Code)
- 108. Title 16 of the Sunnyvale Municipal Code

Additional References

- USFWS/CA Dept. F&G Special Status Lists
- 110. Fehr and Peers Project Circulation Study,

May 2004

111. Project Description

- 112. Project Development Plans
- 113. Fehr and Peers Parking Study
- 114. DSP Utility Study, September 2003
- 115. Walker Parking Analysis